
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JULIAN BYRD,

Plaintiff,

versus

UP UPTON,

Defendant.

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CIVIL ACTION NO. 1:10-CV-290

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff, Julian Byrd, an inmate formerly confined at FCC Beaumont, proceeding *pro se*, filed this civil rights complaint pursuant to 42 U.S.C. § 1983 against Warden Upton.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate recommends plaintiff’s lawsuit be dismissed, without prejudice, for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).¹

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

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The Report and Recommendation was returned on February 7, 2011 as “undeliverable.”

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 7th day of March, 2011.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE